

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THE ALPHA UPSILON CHAPTER
OF THE FRATERNITY OF BETA
THETA PI, INC.,

Plaintiff,

v.

THE PENNSYLVANIA STATE
UNIVERSITY; DAMON SIMS,
INDIVIDUALLY AND IN HIS
OFFICIAL CAPACITY; DANNY
SHAHA, INDIVIDUALLY AND IN
HIS OFFICIAL CAPACITY; and
ERIC J. BARRON, INDIVIDUALLY
AND IN HIS OFFICIAL CAPACITY,

Defendants.

No. 4:19-CV-01061

(Judge Brann)

ORDER

AND NOW, this 20th day of March 2020, in accordance with the
accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Defendants' Motion to Dismiss, December 17, 2019, ECF No. 25 is
GRANTED IN PART AND DENIED IN PART.
2. Plaintiff's due process claim (Count 1) and third-party beneficiary
claim (Count 7) are each **DISMISSED WITH PREJUDICE.**
3. Defendants' Motion for a More Definite Statement, December 17,
2019, ECF No. 25 is **GRANTED.**

4. Given that the Amended Complaint, November 26, 2019, ECF No. 24, is now the operative complaint in this case, to avoid any doubt and reaffirm its previous Order of November 12, 2019, ECF No. 21, the Court **DISMISSED WITH PREJUDICE** Plaintiff's equal protection, negligence, fraud and deceit, civil conspiracy, and tortious interference claims (Counts 2, 3, 4, 5, and 6).
5. Plaintiff may file an amended complaint by April 2, 2020. If no amended complaint is filed by that date, plaintiff's breach of the implied covenant of good faith and fair dealing claim (Count 5) will be struck. And the Court will close this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge